

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jean Paul Lozada	Team: Squad #2	CCRB Case #: 201900096	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/05/2018 12:41 PM	Location of Incident: [REDACTED]	Precinct: 84	18 Mo. SOL 6/5/2020	EO SOL 1/20/2021	
Date/Time CV Reported Thu, 01/03/2019 2:56 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 01/03/2019 2:56 PM		
<b>Complainant/Victim</b>	<b>Type</b>	<b>Home Address</b>			
[REDACTED]	[REDACTED]	[REDACTED]			
<b>Witness(es)</b>	<b>Home Address</b>				
[REDACTED]	[REDACTED]				
<b>Subject Officer(s)</b>	<b>Shield</b>	<b>TaxID</b>	<b>Command</b>		
1. POM Eric Bravo	09104	934530	088 PCT		
<b>Witness Officer(s)</b>	<b>Shield No</b>	<b>Tax No</b>	<b>Cmd Name</b>		
1. POM Bernard Barrow	08956	923537	088 PCT		
<b>Officer(s)</b>	<b>Allegation</b>			<b>Investigator Recommendation</b>	
A.POM Eric Bravo	Force: Police Officer Eric Bravo used physical force against § 87(2)(b) [REDACTED]			[REDACTED]	

## Case Summary

On January 3, 2019, § 87(2)(b) filed this complaint with the CCRB via the on-line website.

On December 5, 2018, at approximately 12:41 p.m., § 87(2)(b) was riding a Citibike bicycle in a protected bicycle lane on § 87(2)(b) towards § 87(2)(b) in Brooklyn. At the intersection, Police Officer Eric Bravo of the 88th Precinct and a police van partially blocked the bicycle lane. § 87(2)(b) said, "Excuse me," and Police Officer Bravo replied, "Go around." § 87(2)(b) asked why he could not pass, and Police Officer Bravo repeated, "Go around." § 87(2)(b) dismounted his bicycle and attempted to walk past Police Officer Bravo, who then allegedly pushed § 87(2)(b) in his shoulder (**Allegation A – Force: Physical Force**, § 87(2)(g) § 87(2)(b)) was not arrested or summonsed.

No video footage of this incident was found.

## Findings and Recommendations

### **Allegation (A) Force: Police Officer Eric Bravo used physical force against § 87(2)(b)**

§ 87(2)(b) provided a telephone statement (Board Review 01) and accepted mediation on January 14, 2019. This case was forwarded to the Mediation Unit on January 17, 2019, and it was returned to the Investigations Unit on March 13, 2019 after Police Officer Bravo rejected mediation. § 87(2)(b) was interviewed at the CCRB on March 19, 2019. Police Officer Bernard Barrow of the 88<sup>th</sup> Precinct was interviewed on March 10, 2019, and Police Officer Bravo was interviewed on March 11, 2019.

§ 87(2)(b) stated that when he approached the van, he saw Police Officer Bravo standing in the bicycle lane with his back leaned against the van and his legs extended into the bicycle lane, thus blocking his path. § 87(2)(b) said, "Excuse me," and Police Officer Bravo replied, "Go around." § 87(2)(b) asked why he could not pass, and Police Officer Bravo again replied, "Go around." § 87(2)(b) dismounted his bicycle and stepped onto the sidewalk, and he pushed the bicycle forward with both of its tires against the curb. Police Officer Bravo remained in the same position against the van with his legs extended in to the bicycle lane, and there was only "just enough space" between Police Officer Bravo's feet and the curb to push the bicycle past him. When § 87(2)(b) was directly in front of Police Officer Bravo on the sidewalk, Police Officer Bravo allegedly "lunged" from the van and pushed § 87(2)(b) in his left shoulder with both hands. § 87(2)(b) lost his footing used the weight of the bicycle to maintain his balance. § 87(2)(b) and Police Officer Bravo argued amongst themselves for approximately 30 to 60 seconds, and then § 87(2)(b) got back on the bicycle and rode away.

Police Officer Bravo stated that he and Police Officer Barrow were instructed to park the van in the bicycle lane and monitor the area because there was "a lot" of gang activity due to the numerous courthouses in the neighborhood. He stood in the bicycle lane because the sidewalk was crowded with pedestrians and there was nowhere else for him to safely stand near the van. Police Officer stated that after he told § 87(2)(b) to go around, § 87(2)(b) dismounted his bicycle and began walking towards him in the bicycle lane while straddling the bicycle. § 87(2)(b) did not step onto the sidewalk. § 87(2)(b) got close enough to Police Officer Bravo for him to feel "threatened" because had he continued to proceed forward, he would have made

contact with Police Officer Bravo. Police Officer Bravo extended his arm towards § 87(2)(b) making contact with § 87(2)(b)'s chest with his palm. At the time, § 87(2)(b) was no more than one full arm's length away from Police Officer Bravo, and he did not have to reach towards § 87(2)(b) in order to put his hand on him. Police Officer Bravo denied pushing § 87(2)(b) and he stated that § 87(2)(b) did not lose his balance.

§ 87(2)(g) .

No Threat, Resistance, and Injury Report was prepared regarding this incident (Board Review 02).

It is undisputed that § 87(2)(b) was attempting to walk his bicycle past the officers when Police Officer Bravo touched him with his hand. § 87(2)(b), § 87(2)(g)

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#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 03).
- Police Officer Bravo has been a member of service for 14 years and has been a subject in three additional CCRB complaints involving five allegations, none of which were substantiated. § 87(2)(g)

§ 87(2)(b)

#### **Mediation, Civil and Criminal Histories**

- On January 17, 2019, this case was sent to mediation at the request of § 87(2)(b) but on March 13, 2019, the case was returned to investigation because Police Officer Bravo rejected mediation.
- As of April 19, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 04).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 05).

Squad No.: 02

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date